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*Attorneys for Defendant
Bally Technologies, Inc.*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROY HOWARD, an individual;

Plaintiff,

v.

BALLY TECHNOLOGIES, INC.; DOES I
through X, inclusive; ROE
CORPORATIONS I through X, inclusive,

Defendants.

Case No.: 2:16-cv-01527-APG-NJK

**DEFENDANT'S REQUEST FOR EXCEPTION
TO EARLY NEUTRAL EVALUATION
ATTENDANCE REQUIREMENTS**

Defendant Bally Technologies, Inc. ("Defendant" or "Bally") by and through its counsel Jackson Lewis P.C., hereby respectfully requests an exception to the early neutral evaluation ("ENE") attendance requirements.

Defendant is insured with American International Group (AIG - Financial Lines Claims). However, Defendant's insurance policy contains a substantial (six figures) self-insured retention amount and, given that Plaintiff asserts only discrimination claims under Title VII and Nevada state law in this case, any resolution at the ENE will be well within Defendant's self-insured retention. As such, Defendant respectfully requests that a representative from Defendant's insurance carrier be excused from attending in person the ENE; however, to alleviate any concerns, a representative will be available telephonically. Participation by the insurance carrier via telephone, which is unlikely to be necessary, will not adversely affect the ENE, and Defendant will attend the ENE with appropriate settlement authority.

1 Based on the foregoing, Defendant respectfully requests the insurance carrier be excused
2 from in person attendance, and to the extent necessary be allowed to attend the ENE currently
3 scheduled for December 1, 2016, at 9:30 a.m., telephonically as needed.

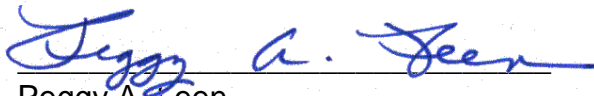
4 Dated this 22nd day of November, 2016.

5 JACKSON LEWIS P.C.

6
7 /s/ Phillip Thompson

8 Deverie J. Christensen, Bar No. 6596
9 Phillip Thompson, Bar No. 12114
10 3800 Howard Hughes Parkway, Suite 600
11 Las Vegas, Nevada 89169
12 *Attorneys for Defendant*
13 *Bally Technologies, Inc.*

14 IT IS SO ORDERED this 22nd day
15 of November, 2016.

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17 Peggy A. Leen
18 United States Magistrate Judge
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee Jackson Lewis P.C. and that on this 22nd day of December, 2016, I caused to be sent via ECF filing, a true and correct copy of the above and foregoing **DEFENDANT'S REQUEST FOR EXCEPTION TO EARLY NEUTRAL EVALUATION ATTENDANCE REQUIREMENTS** to the following:

Attorney for Plaintiff

Trevor J. Hatfield
Hatfield & Associates, Ltd.
703 South Eighth Street
Las Vegas, Nevada 89101

Attorneys for Plaintiff

/s/ Kelley Chandler
Employee of Jackson Lewis P.C.

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